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SENATE BILL 76

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR FEES FOR INTEREST IN
DEPARTMENT OF GAME AND FISH LAND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-1-14 NMSA 1978 (being Laws 1921,
Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME
COMMISSION--GAME PROTECTION FUND. --

A. The state game commission shall have general
control over the collection and disbursement of all money
collected or received under the state laws for the protection
and propagation of game and fish, which money shall be paid
over to the state treasurer to the credit of the game
protection fund, and the fund, including all earned income
therefrom, shall not be transferred to another fund.

underscored material = new
[bracketed material] = delete

underscored material = new
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1 Chapter 17 NMSA 1978 shall be guaranty to the person who pays
2 for hunting and fishing licenses and permits that the money in
3 that fund shall not be used for any purpose other than as
4 provided in Chapter 17 NMSA 1978.

5 B. The state game commission shall have authority
6 to:

7 (1) establish and, through the director of the
8 department of game and fish, to operate fish hatcheries for the
9 purpose of stocking public waters of the state and to furnish
10 fish fry and fingerlings to stock private waters, receipts from
11 such sources to go into the game protection fund;

12 (2) declare closed seasons in any specified
13 locality and on any species of game or fish threatened with
14 undue depletion from any cause;

15 (3) establish game refuges for the purpose of
16 providing safe sanctuaries in which game may breed and
17 replenish adjacent hunting ranges, it being the purpose of this
18 provision to establish small refuges rather than large
19 preserves or to close large areas to hunting;

20 (4) purchase lands for game refuges where
21 suitable public lands do not exist, to purchase lands for fish
22 hatcheries and to purchase lands to be maintained perpetually
23 as public hunting grounds, particularly lands suitable for
24 waterfowl hunting, all such lands to be paid for from the game
25 protection fund;

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[bracketed material] = delete

1 (5) receive by gift or bequest, in the name
2 and on behalf of the state, lands suitable for game refuges,
3 hunting grounds, fish hatcheries or for any other purpose
4 necessary to carry out the provisions of Chapter 17 NMSA 1978;

5 (6) apply for and accept any state, federal or
6 private funds, grants or donations from any source for game and
7 fish programs and projects;

8 (7) designate certain areas as rest grounds
9 for migratory birds, in which hunting shall be forbidden at all
10 times or at such times as the state game commission shall
11 provide, it being the purpose of this provision not to
12 interfere unduly with the hunting of waterfowl but to provide
13 havens in which they can rest and feed without molestation;

14 (8) close any public stream or lake or portion
15 thereof to fishing when such action is necessary to protect a
16 recently stocked water, to protect spawning waters or to
17 prevent undue depletion of the fish;

18 (9) propagate, capture, purchase, transport or
19 sell any species of game or fish needed for restocking any
20 lands or streams of the state;

21 (10) after reasonable notice and hearing,
22 suspend or revoke any license or permit issued pursuant to the
23 provisions of Chapter 17 NMSA 1978 and withhold license
24 privileges for a definite period not to exceed three years from
25 any person procuring a license through misrepresentation,

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[bracketed material] = delete

1 violating any provisions of Chapter 17 NMSA 1978 or hunting
2 without a proper license;

3 (11) adopt rules establishing procedures that
4 provide reasonable notice and a hearing before the state game
5 commission for the suspension, revocation or withholding of
6 license privileges of a person charged with violating the
7 provisions of Chapter 17 NMSA 1978, subject to such judicial
8 review as may be provided by law;

9 (12) conduct studies of programs for the
10 management of endangered and nongame species of wildlife;

11 (13) establish licenses, permits and
12 certificates not otherwise provided for in Section 17-3-13 NMSA
13 1978 and charge and collect just and reasonable fees for them;
14 provided the fees shall not exceed the costs of administration
15 associated with the licenses, permits or certificates;

16 (14) collect fees established for the
17 exchange, sale, lease, sublease or assignment of any interest
18 in any lands and leases, including commercial activities, on
19 department of game and fish properties; provided that the fees
20 shall not exceed the current appraised market value of the
21 land;

22 [~~(14)~~] (15) permit, regulate or prohibit the
23 commercial taking or capturing of native, free-ranging
24 amphibians or reptiles not specifically protected by law,
25 except for rattlesnake roundups, collection of fish bait and

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[bracketed material] = delete

1 lizard races;

2 [~~(15)~~] (16) adopt rules to control, eradicate
3 or prevent the spread of a contagious disease, pest or
4 parasite, including chronic wasting disease, to or among game
5 animals. The rules shall include provisions for:

6 (a) notification to the department of
7 game and fish of the diagnosis or suspected presence of a
8 contagious disease;

9 (b) examination by the state
10 veterinarian or his designee of suspected infected game
11 animals;

12 (c) quarantine, treatment or destruction
13 of an infected game animal;

14 (d) disinfection and isolation of a
15 licensed private park where an infected game animal has been;
16 and

17 (e) indemnification and destruction of a
18 protected game animal; and

19 [~~(16)~~] (17) as necessary, designate areas of
20 the state in which bear-proof garbage containers are required
21 on public and private lands to reduce potential human-bear
22 interactions.

23 C. The director of the department of game and fish
24 shall exercise all the powers and duties conferred upon the
25 state game and fish warden by all previous statutes now in

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1 force not in conflict with Chapter 17 NMSA 1978.

2 D. The state game commission shall have authority
3 to prohibit all hunting in periods of extreme forest fire
4 danger, at such times and places as may be necessary to reduce
5 the danger of destructive forest fires.

6 E. The hunting, pursuing, capturing, killing or
7 wounding of any game animals, birds or fish in or upon any game
8 refuge, rest ground or closed water or closed area or during
9 any closed season established or proclaimed by the state game
10 commission in accordance with the authority conferred in
11 Chapter 17 NMSA 1978 constitutes a misdemeanor and shall be
12 punishable as prescribed in Chapter 17 NMSA 1978. "